

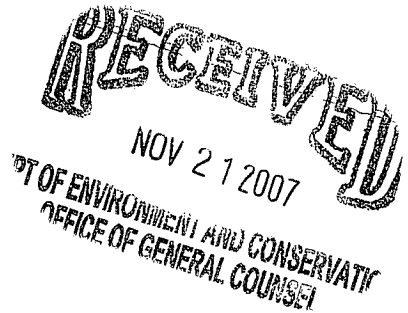
DEVELOPMENT SERVICES

118 Court Ave., Ste 2
Sevierville, TN 37862
865/429-0308

November 19, 2007

Office of General Counsel
Appeal of Enforcement Order
TDEC-OGC
401 Church Street
20th Floor L&C Tower
Nashville, TN 37243-1534

RE: Wild Pear Shores
Notice of Violation
Director's Order No. WPC07-0241



Dear Sirs:

Pursuant to TCA 69-3-109 and 115, the respondent is requesting further review of the herein referenced order. At this time, I am attempting to represent myself, without legal counsel, and would appreciate the opportunity to present the developers side of this situation.

Following notification of this violation I attended a meeting with TDEC personnel in the Knoxville office. Mr. Baxter Wilson and Mr. Rich Stallard were in attendance. I am now aware that certain violations of the SWPPP were in existence at the time of the citing. I acknowledge that the NOC and a copy of the SWPPP were not found at the time of inspection. I submit that they had been repeatedly posted, but had been repeatedly removed by unknown parties.

The project work had been completed in mid-May of 2007. At that time final roadbank grading work was completed and the entire disturbed area was hydroseeded. Due to extremely adverse weather conditions, germination was poor. When the previous inspection brought this to my attention, I contacted Mr. Stallard and assured him I was monitoring it on a daily basis. I further assured him that I regularly checked for any erosion problems, had found none to exist, and should any be found, they would be addressed. Due to the severity of the summer drought, several attempts to achieve any significant germination were not successful. I contacted my hydroseeding contractor throughout this period, and we agreed that any further efforts before the fall, in the absence of a weather pattern change, would be a waste of effort.

I removed the silt fencing, under the direction of the Homeowner's Association, so that the fields could be properly mowed and maintained. No sedimentation had reached the silt fence then, nor has it extended more than a few inches from the toe of the graded road banks as yet.

Following the meeting in Knoxville, Mr. Stallard and I conducted a field inspection of the site and he has submitted his report and associated photographs. Contrary to the Director's Order, no sediment has left the

site. On the extreme eastern end of the site a strip of sediment measuring 4-5 inches wide , 18-24 inches long and approximately .5 inches deep was found deposited in a natural drainway that preceeded any development activity. It did not appear to have contaminated any "waters of the State" and may or may not have been the result of any of my activities. As I said, it was a natural drainway, with a contributing watershed of several acres.

As a precaution against any possible further questions, I have reworked the roadway curb spills by laying geotech fabric and extending the surge stone several feet further downslope. Also, all disturbed areas have been re-hydroseeded. With the cooler weather and the few minor rain events, I am optimistic that some additional germination should occur. I continue to monitor the site on a regular basis, and should any siltation problem occur, it will be immediately addressed.

I am aware of the importance of erosion control measures. The erosion control structures were removed only after I determined that they were not needed. I have maintained the site in good condition and have not contributed to any offsite pollution. The only violation that I acknowledge is the failure to keep the NOC and the SWPPP posted. Even though I tried, I could not insure its constant presence.

Your further consideration of this order is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee T. Gamble", written over the word "Sincerely,".

Lee T. Gamble

Cc: Mr. Rich Stallard, TDEC